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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,787	06/24/2002	Yasuji Yui		9529

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LERNER, DAVID, LITTENBERG,
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EXAMINER

JABR, FADEY S

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/088,787	YUI ET AL.	
	Examiner	Art Unit	
	Fadey S. Jabr	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,22,23 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) 8-21,24,25 and 33-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,22,23 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. JP 2000-227447.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, 22-23 and 26-32, drawn to a movable body rental system.

Group II, claim(s) 8-14, 24-25 and 33-39, drawn to a movable body rental system with a current position system.

Group III, claim(s) 15-21 and 43-49, drawn to a movable body rental system with provision means.

Group IV, claim(s) 40-42, drawn to a movable body rental system with a notification system.

2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I is directed to a movable body system, which does not require current position detection, transmission or reception means while Group II does. Groups III and IV require provision request reception means and notification means, respectively, while neither of the other groups require those limitations.

3. During a telephone conversation with Mr. Ortega on 28 March 2007 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-7, 22-23 and 26-32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-21, 24-25, 33-49 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 7/27/2000. It is noted, however, that applicant has not filed a certified copy of the 2000-0227447 application as required by 35 U.S.C. 119(b).

Specification

6. The abstract of the disclosure is objected to because it contains a typographical error in line 8. The word "stars" should read "starts". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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As per **Claims 7 and 32**, the recitation, “calculating said fee based on said driving time and an average driving time which is determined according to said mileage”, is vague and indefinite. It is unclear to the Office if both the driving time and the average time are determined according to the mileage. Appropriate correction is required in the indicated claims and any subsequent claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims **1-4, 22-23 and 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn, U.S. Patent No. 6,240,365 B1 in view of Rothert et al., U.S. Patent No. 6,141,610, hereinafter referred to as Bunn and Rothert, respectively.

As per **Claims 1-4, 22-23 and 26-29**, Bunn discloses an automated vehicle tracking and service provision system comprising:

- authentication information transmission means for transmitting authentication information to said movable body management apparatus (C. 2, lines 16-22, C. 2, line 67-C. 3, line 26, C. 3, line 33- C. 4, line 44);

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- authentication result information reception means for receiving authentication result information returned in response to said authentication information (C. 2, lines 16-22, C. 2, line 67-C. 3, line 26, C. 3, line 33- C. 4, line 44);
- lock means for preventing use of a movable body apparatus (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);
- lock control means for controlling said lock means based on said authentication result information received by said authentication result information reception means (C. 3, lines 47-49, C. 6, lines 61-66, C. 7, lines 43-48, also see Figure 2B);
- distance measuring means for measuring a mileage (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- distance information transmission means for transmitting information indicating said mileage measured by said distance measuring means to said movable body management apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- said movable body management apparatus comprises:
 - authentication information reception means for receiving authentication information from said movable body said apparatus (C. 2, lines 19-22, C. 8, lines 51-64);
 - authentication result information transmission means for transmitting said authentication result information corresponding to said authentication information received by said authentication information reception means to said movable body apparatus (C. 2, lines 19-22, C. 8, lines 51-64);

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- distance information reception means for receiving information indicating said mileage from said movable body apparatus (C. 10, lines 7-8, C. 9, lines 49-58, also see Figure 2B-3);
- settlement means for performing settlement processing according to use of said movable body apparatus based on a result of said fee calculation means (C. 10, lines 3-22).

Bunn fails to disclose *time measuring means for measuring a driving time; and time information transmission means for transmitting information indicating said driving time measured by said time measuring means to said movable body management apparatus, time information reception means for receiving information indicating said driving time from said movable body apparatus; fee calculation means for calculating a fee for said movable body apparatus according to said mileage received by said distance information reception means and said driving time received by said time information reception means*. However, Rothert teaches an automated vehicle monitoring system well suited for use in a vehicle rental operation, where each rental vehicle is equipped with a data logger. The condition and usage of each vehicle during rental is monitored, where upon returning the rental vehicle to the rental facility the information is transmitted to the vehicle rental facility computer. The computer then calculates the distance traveled during rental which is then used to determine appropriate charges. The determination of the appropriate charges to be paid by the renter may include other factors such as the number of days that the vehicle has been rented (C. 11, lines 20-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on various factors including the amount of time the vehicle was

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rented as taught by Rothert, because it provides the system with a variety of factors in which to determine the amount wear and tear and usage of the rented vehicle.

11. Claims **5-6 and 30-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn, U.S. Patent No. 6,240,365 B1 in view of Rothert et al., U.S. Patent No. 6,141,610 as applied to claims 1 and 26 above, and further in view of "Rental Car Revelations", hereinafter referred to as Revelations.

As per **Claims 5-6 and 30-31**, Bunn fails to disclose wherein said fee calculation means of said movable body management apparatus determines said fee based on a position where said movable body apparatus is returned, and wherein said fee calculation means of said movable body management apparatus sets a higher fee when said movable body apparatus is returned to a position different from a predetermined return position than when it is returned to said predetermined return position. Bunn discloses returning the rented vehicles to predetermined locations (C. 2, lines 15-16). However, Revelations teaches that in a rental car reservation environment if you return the car to another location, significant drop-off charges may be imposed (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on where they return the vehicle as taught by Revelations, because rental vehicle systems work more efficiently and are able to provide more rental vehicles when customers return their inventory to the location they picked up the vehicle, therefore providing more available reservations for potential customers.

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12. Claims **7 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn, U.S. Patent No. 6,240,365 B1 in view of Rothert et al., U.S. Patent No. 6,141,610 as applied to claims 1 and 26 above, and further in view of Official Notice.

As per **Claims 7 and 32**, Bunn fails to disclose wherein said fee calculation means of said movable body management apparatus calculates said fee based on said driving time and an average driving time which is determined according to said mileage. However, Bunn discloses charging customers on the amount of usage, i.e. mileage (C, 10, lines 3-15). Moreover, Rothert teaches charging users on various factors, mileage and amount of time the vehicle was rented (C, 11, lines 20-35). The Examiner takes Official Notice that it is old and well known in the art to take usage averages in determining charges to bill a customer. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Bunn and include charging the renter based on average driving time, because it allows the vehicle rental system to charge the renter based on more than one factor, i.e. the amount of mileage and the amount of time the vehicle has been rented.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references

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in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

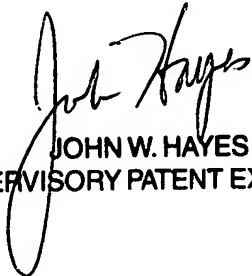
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3628

FSJ


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

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